

REMARKS

The Applicant thanks the Office for the allowance of claims 1, 3, 5-9, 17 and 19. The Office maintains the rejection of claims 2, 4, 10-16, 18, and 20.

Claim Rejections – 35 USC § 103

In more particular detail, the Office has rejected claim 2, 4, 10, 11, 13-16 as being unpatentable over Faska (U.S. U.S. Pat. No. 6,875,975) in view of Choi (U.S. Pat. No. 5,485,015) and Tsai (Two-Dimensional Bi-Periodic Grating Coupled One- and Two-Color Quantum Well Infrared Photodetectors). Claim 12 is rejected as being unpatentable over Faska, in view of Choi, Tsai and further in view of Mitra (U.S. Pat. Appl. No. 2004/0108564). The Office alleges that Faska is prior art and that the combination thereof can be used for this rejection.

Applicant respectfully disagrees with the opinion of the Office, but has amended the claims thereby traversing the rejection. Without prejudice or acquiescence to the opinion of the Office, the Applicant has canceled the rejected claims and amended claim 3 to include the elements of claim 2 for antecedent basis.

Applicant believes that all rejections have been traversed and allowance is respectfully requested for all claims.

Telephone Interview

If allowance of all claims is not granted, Applicant respectfully requests that the Office contact the under-signed to discuss any further remaining issues. The Applicant believes that a telephone discussion will likely expedite processing and result in allowance.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

/Scott J. Asmus, Reg. No. 42,269/

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